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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/816,139	03/26/2001	Yukiko Takita	914-126	5884

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EXAMINER
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NEURAUTER, GEORGE C

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/816,139	TAKITA, YUKIKO	
	<b>Examiner</b>	<b>Art Unit</b>	
	George C. Neurauter, Jr.	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-10,12-32,34,35 and 41-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-10,12-32,34,35, and 41-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

Claims 1-4, 6, 10, 12-32, 34, 35, and 41-44 are currently presented and have been examined.

***Response to Arguments***

Applicant's arguments filed 6 July 2006 have been fully considered but they are not persuasive.

The Applicant argues that Conrad does not teach or suggest setting a timer in response to receipt of a continuation signal, whereby content is reproduced for output to a user only during a time period specified by the timer. The Examiner does not agree and maintains the views previously presented. Conrad clearly suggests that content may be reproduced in accordance with a continuation signal for a limited period of time such as the duration of an airplane flight or other time limited factors (see at least column 5, line 39-column 6, line 9, column 12, lines 16-36, and, specifically, column 15, lines 25-44). Therefore, in view of the disclosures and suggestions of Conrad and the knowledge of one of ordinary skill in the art as shown previously, Conrad does in fact reasonably suggest these limitations.

The Applicant also argues that Conrad uses a smart card for decrypting content based on the conditional access information and uses this disclosure to argue that Conrad does not teach a

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timer. This argument is irrelevant to the matter at hand since the claims do not recite a smart card and/or any decryption methods.

The Applicant argues Conrad does not anticipate claim 41 since claim 41 was listed as anticipated by Conrad. This was an inadvertent typographical error in the previous Office Action. Claim 41 does, as shown in the currently presented claims and the previously listed claims, contain the same limitations as recited in claims 1, 7, 9 and 33 and, as shown previously, these claims are shown to be unpatentable in view of Conrad and Lotspeich. Therefore, claim 41 is rejected under 35 USC 103(a) over Conrad in view of Lotspeich. This error has been corrected in this Office Action.

The Applicant argues that Conrad does not disclose storing received content and then reproducing the stored content. The Applicant goes on to argue that "Indeed, there is very little discussion in Conrad et al. of the details of the personal computers". The Examiner traverses this argument. As clearly shown, Conrad discloses that information terminals including the portable information terminal are able to reproduce content (see at least column 3, lines 4-9). If the information terminals are able to receive content and display such content in order to be disseminated by the user, the content must be stored in some

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fashion on the information terminal, otherwise, the content would not be able to be rendered by the information terminal or, in fact, be processed at all in order for user dissemination. Therefore, the nominal recitation within the claims wherein content is stored and then reproduced is inherent within the teachings of Conrad as shown by the teaching of a portable information terminal since such an inherent characteristic of a modern computer with a graphical user interface is notoriously well known and used by those of ordinary skill. Therefore, this argument is not persuasive.

#### ***Claim Interpretation***

The element "continuation signal" or "refresh signal" defined on page 12, lines 28-33 of the specification and recited in claims will be given its broadest reasonable interpretation and will be interpreted by the Examiner as a signal that may accomplish continuous reproduction of relevant content to any number of specific receivers that is consistent with the disclosures of the specification and the interpretation that those skilled in the art would reach. See MPEP § 2111.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-4, 6, 10, 12-32, and 34-44 are rejected under 35 U.S.C. 102(e) as being unpatentable over US Patent 6 810 527 to Conrad et al.

Regarding claim 1, Conrad discloses a content distribution system comprising at least one content reception apparatus receiving and reproducing distributed content (referred to throughout the reference as "personal computer" or "PC"; column 2, lines 45-57) and a content distribution apparatus distributing said content ("media server"), wherein said content distribution apparatus distributes only within a specified physical area a continuation signal ("control information",

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specifically "IFE zone access parameters"; column 6, lines 3-9) for enabling said content to be reproduced continuously, and said content reception apparatus is unable to reproduce said content while said content reception apparatus is outside the specified physical area and unable to receive said continuation signal, wherein said content reception apparatus is a portable information terminal ("passenger's personal computer"). (column 2, lines 45-57; column 6, lines 3-9; column 10, line 50-column 11, line 14, specifically column 11, lines 11-14; column 13, line 50-column 14, line 4; column 15, lines 31-44)

Conrad does not expressly disclose a timer which is set based on the continuation signal wherein content is reproduced continuously for a period of time determined in accordance with said timer and wherein the content apparatus is unable to reproduce the content after the expiration of the period of time, however, Conrad does suggest that content may be reproduced in accordance with a continuation signal for a limited period of time such as the duration of an airplane flight or other time limited factors (column 5, line 39-column 6, line 9 and column 12, lines 16-36).

It would have been obvious to one of ordinary skill in the art at the time the invention was made for the receiving unit to reproduce content based on the reception of the refresh signal

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since Conrad discloses as shown above that the refresh signal and content such as multimedia, audio, and/or video which is known within the art to have a time period associated with its playback, is sent periodically to the receiver and, if the receiver no longer receives the refresh signal, the content can also no longer be received and, therefore, the receiver will have no more content to display and will display the amount of content that has been received in the time period that the content has been received. One of ordinary skill would have found it obvious to modify Conrad to use a timer to measure this time period since it would have been within the level and knowledge of one of ordinary skill to use a timer as a "timeout" timer based on the refresh signal wherein, when the timer expires and no more content has been received from the distribution apparatus, the receiving unit will no longer display content and it is advantageous to do so since that "timeout" timer allows the receiver to wait a certain period of time to receive another refresh signal from the distribution apparatus before the receiver detects that an error has occurred in the transmission of the refresh signal.

Therefore, it would have been obvious to achieve the limitations of the claim.



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Claims 2, 10, 17-25, 34-35, and 42 are also rejected since these claims recite substantially the same limitations as recited in claim 1.

Regarding claim 3, Conrad discloses the content reception apparatus according to claim 2, wherein said received content is reproduced according to reproduction procedure information indicating a procedure for reproducing said content. (column 8, lines 30-40)

Regarding claim 4, Conrad discloses the content reception apparatus according to claim 3, wherein said reproduction procedure information is received together with said content. (column 8, lines 30-40)

Regarding claim 6, Conrad discloses the content reception apparatus according to claim 2, wherein said content reception apparatus comprises information presentation means for receiving and presenting content-specifying information specifying respective types of said content, and said content which is designated based on said content-specifying information presented by said information presentation means is requested and received. (column 1, lines 27-35; column 8, lines 9-18)

Regarding claim 12, Conrad discloses the content distribution apparatus according to claim 10, wherein said content distribution apparatus distributes reproduction

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procedure information indicating a procedure for reproducing said content. (column 8, lines 30-40)

Regarding claim 13, Conrad discloses the content distribution apparatus according to claim 10, wherein said continuation signal is distributed within a predetermined area. ("zone"; column 12, lines 30-37)

Regarding claim 14, Conrad discloses the content distribution apparatus according to claim 10, wherein said continuation signal is distributed by means of broadcasting. (column 2, lines 45-48; column 3, lines 9-14)

Regarding claim 15, Conrad discloses the content distribution apparatus according to claim 10, wherein said content is distributed by means of broadcasting. (column 2, lines 45-48; column 3, lines 9-14)

Regarding claim 16, Conrad discloses the content distribution apparatus according to claim 10, wherein, when said content distribution apparatus receives an acquisition request for acquiring said content as desired, said content distribution apparatus distributes said desired content to a source of said request. (column 1, lines 27-35; column 8, lines 9-18)

Regarding claim 26, Conrad discloses the method according to claim 25, further comprising distributing a content

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reproduction application usable by a receiver for reproducing the distributed content. (column 8, lines 30-40)

Regarding claim 27, Conrad discloses the method according to claim 25, wherein the refresh signal is distributed periodically. ("streaming"; column 6, lines 3-9)

Regarding claim 28, Conrad discloses the method according to claim 25, wherein the content and the refresh signal are distributed by broadcasting. (column 2, lines 45-48; column 3, lines 9-14)

Regarding claim 29, Conrad discloses the method according to claim 25, wherein the content and the refresh signal are distributed wirelessly. (column 2, lines 45-48; column 3, lines 9-14)

Regarding claims 30 and 31, Conrad discloses the method according to claim 25, wherein the specified physical area within which the refresh signal is distributed is an airplane or a room. ("zone" within an "airplane"; column 12, lines 30-37)

Regarding claim 32, Conrad discloses the method according to claim 25, wherein content is distributed to a particular receiver in response to a request therefrom. (column 1, lines 27-35; column 8, lines 9-18)

Regarding claim 36, Conrad discloses a content reproduction method comprising receiving content at a receiving unit and

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receiving at the receiving unit a refresh signal which is distributed only in a specified physical area. ("control information", specifically "IFE zone access parameters"; column 6, lines 3-9)

Conrad does not expressly disclose setting a timer of the receiving unit based on the refresh signal and reproducing the received content for output to a user only during a time period specified by the timer.

Claim 36 is rejected since the motivations regarding the obviousness of claim 1 also apply to claim 36.

Claims 38-40 are also rejected since claims 38-40 recite a storage device, receiver, and portable receiver that contain substantially the same limitations as recited in claim 36.

Regarding claim 37, Conrad discloses the method according to claim 36.

Conrad does not expressly disclose storing the received content in a storage device and deleting the received content from the storage device after the time period specified by the timer is over.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Conrad wherein the received content is stored in a storage device such as a "buffer" and delete the received content from the storage device

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after the time period specified by the timer is over or to "flush the buffer" since it is within the level and knowledge of one of ordinary skill in the art that when a "timeout" timer such as the one disclosed above regarding claim 36 expires, the receiver assumes that either there is no more content to render or there is an error in the transmission of the content and will "flush" the buffer of content data. This is advantageous since the buffer may begin to receive more streaming data and would require the buffer to be clear in order to generate the new data.

Therefore, it would have been obvious to achieve the limitations of the claim.

Claim 43 is rejected since claim 43 recite a method that contains substantially the same limitations as recited in claim 37.

Regarding claim 44, Conrad discloses the content distribution system according to claim 1, wherein the portable information terminal comprises a display integrated therein. ("PC" or "personal computer")

Claims 7-9, 11, 32-33, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conrad in view of US Patent 6 748 539 to Lotspeich.

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Regarding claim 7, Conrad discloses the content reception apparatus according to claim 6.

Conrad does not expressly disclose wherein, when the number of said contents which can be distributed is predetermined for each of said types, said content-specifying information is updated based on type of said content received by said content reception apparatus, however, Lotspiech does disclose this limitation (column 1, lines 47-54).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of these references since Lotspeich discloses that updating content-specifying information allows for a restricted distribution of content to reception devices (column 1, line 48). In view of these specific advantages and that the references are directed to distribution of content between devices, one of ordinary skill would have been motivated to combine these references and would have considered them to be analogous to one another based on their related fields of endeavor, which would lead one of ordinary skill to reasonably expect a successful combination of the teachings.

Regarding claim 8, Conrad discloses the content reception apparatus according to claim 2.

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Conrad does not disclose wherein said content reception apparatus further comprises means for returning said received content to a distributor, however, Lotspeich does disclose this limitation ("check in"; column 1, lines 30-44)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of these references since Lotspeich discloses that returning received content to a distributor allows for a limited time distribution of content to a user for a fee (column 1, lines 33-39). In view of these specific advantages and that the references are directed to distributing content, one of ordinary skill would have been motivated to combine these references and would have considered them to be analogous to one another based on their related fields of endeavor, which would lead one of ordinary skill to reasonably expect a successful combination of the teachings.

Regarding claim 9, Conrad and Lotspeich disclose the content reception apparatus according to claim 8.

Conrad does not expressly disclose wherein said content-specifying information is updated based on type of said content returned by said content reception apparatus to said distributor, however, Lotspeich does disclose this limitation (column 1, lines 47-54).

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Claim 9 is rejected since the motivations regarding the obviousness of claim 7 also apply to claim 9.

Regarding claim 11, Conrad discloses the content distribution apparatus according to claim 10.

Conrad does not expressly disclose wherein said content distribution apparatus further comprises means for managing the number of said distributed contents, however, Lotspiech does disclose this limitation (column 1, lines 47-54).

Claim 11 is rejected since the motivations regarding the obviousness of claim 7 also apply to claim 11.

Regarding claim 33, Conrad discloses the method according to claim 25, wherein the distributed content comprises a plurality of content types (column 2, lines 2-10; column 3, lines 4-8).

Conrad does not expressly disclose wherein each content type has an associated number specifying the maximum number of receivers to which that content type can be distributed at any one time, however, Lotspiech does disclose this limitation (column 1, lines 47-54).

Claim 33 is rejected since the motivations regarding the obviousness of claim 7 also apply to claim 33.



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Claim 41 is rejected since claim 41 recites a method that contains substantially the same limitations as recited in claims 1, 7, 9, and 33 in combination.

**Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

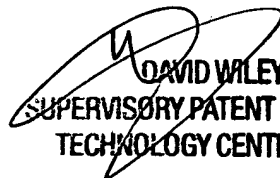
Any inquiry concerning this communication or earlier communications from the examiner should be directed to George C. Neurauter, Jr. whose telephone number is (571) 272-3918. The examiner can normally be reached on Monday through Friday from 9AM to 5:30PM Eastern.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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